



Lessard-Sams Outdoor Heritage Council

Dakota County Habitat Protection/Restoration Phase VII Laws of Minnesota 2019 Accomplishment Plan

General Information

Date: 07/28/2022

Project Title: Dakota County Habitat Protection/Restoration Phase VII

Funds Recommended: \$3,516,000

Legislative Citation: ML 2019, 1st Sp. Session, Ch. 2, Art. 1, Sec. 2, subd. 5(c)

Appropriation Language: \$3,516,000 the first year is to the commissioner of natural resources for an agreement with Dakota County to acquire permanent conservation easements and land in fee and to restore and enhance riparian and other habitats in Dakota County. A list of proposed land acquisitions and restorations and enhancements must be provided as part of the required accomplishment plan.

Manager Information

Manager's Name: Lisa West

Title:

Organization: Dakota County

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Location Information

County Location(s): Dakota.

Eco regions in which work will take place:

- Metro / Urban
- Southeast Forest

Activity types:

- Protect in Easement
- Protect in Fee

- Restore

Priority resources addressed by activity:

- Wetlands
- Prairie
- Forest
- Habitat

Narrative

Abstract

This project will restore approximately 302 acres of permanently protected habitats, and acquire approximately 992 acres of permanent conservation easements and/or fee title lands. Project sites include converting cultivated areas to wetlands in the southern two-thirds of the County, and various habitats, including forest, grassland, riparian areas, and other wetlands throughout the County. This initiative includes identified sites and flexibility for opportunities that will arise. This project will allow the County to continue its integrated comprehensive and successful land conservation efforts through its partnership with the LSOHC and others.

Design and Scope of Work

Historic settlement, modern-day development, and agriculture have replaced, degraded and fragmented natural resource systems throughout Dakota County. Nearly every monitored waterbody in the County is impaired, and many habitats have been reduced to small pocket remnants. The County encompasses a wealth of high-quality soils and a vibrant agricultural economy. And even with conservative, the potential changes that could result from climate change should be considered. These large-scale impacts and trends require a comprehensive, collaborative, long-term approach to maintain and improve the County's natural resource heritage and associated benefits. Sound plans have been adopted that collectively focus on protecting and improving the natural infrastructure.

The project scope and scale encompass some of the best natural resource features found in the metropolitan region, across urban, suburban and rural landscapes. A sound fiscal and prescriptive ecological systems approach to conservation, attempts to balance the interests, rights and responsibilities of private landowners, with the public's concerns about water and habitat quality and protection.

The County effectively works with a variety of agencies, jurisdictions and organizations to implement land protection. Beginning in 2003, the County implemented its Farmland and Natural Areas Program, following two years of LCMR-funded plan development. This and other programs are now blended into a comprehensive Land Conservation Program; through which, the County developed conservation policy project evaluation criteria, and practices to acquire, monitor and administer 112 conservation easements, totaling 9,534 acres, and to assist other public entities in acquiring 20 properties totaling 1,989 acres. In 2017, the County Board approved a Natural Resource Management System Plan to restore, enhance and maintain the majority of natural resources within its parks, greenways, and conservation easements. In 2018, the County began developing a next generation, Land Conservation Plan to identify, coordinate, and prioritize future land protection and management needs on public and private properties throughout the County.

All permanent easements require Natural Resource Management Plans (NRMPs) that reflect existing ecosystem health and recommend potential restoration management strategies, including workplans and budgets. A Natural Resource Management Agreement (MA) is signed by the landowner and County, identifying NRMP priorities, activities, responsibilities, shared costs, and schedules. The proposed habitat restoration and enhancement projects in this funding request are based on these workplans. This project has direct benefits to fish, game, and wildlife, beyond the increased and interconnected terrestrial habitat.

The proposed and anticipated acquisition projects involve riparian areas along the Minnesota, Mississippi, and Cannon rivers (including Dutch, Mud, Chub, Darden and Pine Creeks, and Trout Brook) and Vermillion River (including North, Middle and South Creeks, the South Branch and tributaries), and shoreland along Chub and Marcott lakes. Additional habitat focuses include woodlands, wetlands, hydric soil areas, and unique landscape features and ecosystems.

Environmental Audits and/or Phase I Assessments are completed for all projects, resulting in waste removal, well sealing, and septic system upgrades, if needed, as program participation conditions. Baseline Property Reports are prepared; and each permanent easement is annually monitored. Project information is entered into a data base.

How does the plan address habitats that have significant value for wildlife species of greatest conservation need, and/or threatened or endangered species, and list targeted species?

The proposal integrates a number of state and regional County plans, involving different aspects of habitat and wildlife. In 2017, the County Board approved a Natural Resource Management System Plan (NRMSP) for all regional parks, regional greenways and conservation easements located throughout the County. Vegetation, water, and wildlife were the three main elements for each land type. The NRMSP identified rare and endangered species, and species of greatest conservation need throughout the County, based on different data sources. The NRMSP includes different Natural Resource Management Plan (NRMP) templates of each property type that will provide much more detail for individual sites that typically include a variety of habitat and plant community types. The County will prioritize the habitats preferred by these species for acquisition, restoration and enhancement activities. These habitats and associated species include, but are not limited to: Forest - northern long-eared bat, American woodcock, oven bird, rose-breasted grosbeak, least flycatcher, red-shouldered hawk; Prairies and Grasslands- badger, Franklin's ground squirrel, prairie vole, loggerhead shrike, eastern meadowlark, grasshopper sparrow and regal fritillary; Lakes, Ponds and Rivers - common snapping turtle and smooth soft shell turtle; Wetlands - sedge wren, sand hill crane, Blanding's turtle, and dragonflies. The County continues to assemble baseline data and will prioritize the habitats preferred by these species for acquisition, restoration and enhancement activities.

Describe how the plan uses science-based targeting that leverages or expands corridors and complexes, reduces fragmentation or protects areas identified in the MN County Biological Survey:

There was significant overlap between the County Biological Survey, the 2002 Farmland and Natural Area Protection Plan, and the Metro Conservation Corridors in identifying habitat complexes and key corridors. Based on updated land cover mapping, DNR rare species data, the Vermillion Corridor Plan, new SNA analysis, previously

protected areas, County and local comprehensive plans, watershed plans, and park and greenway plans, the County has refined its priority natural areas and the Metro Conservation Corridor Focus Areas. Using Dakota County's premier Geographic Information Systems (GIS) tools and expertise, County staff can further prioritize areas where important protection and improvement opportunities exist, using other available data layers, such as ownership parcels, soils, aspect, historical photography, and LIDAR. Project selection criteria have been revised to reflect this refined vision, and further refinements will occur as up-to-date information and data are collected.

A substantial portion of the County has had its original natural landscape significantly altered through agriculture. Extensive wetland areas were drained, filled, and tiled. In 2018, County staff consulted with BWSR and DNR staff to use new LiDAR-based GIS tools to target wetland restoration projects within Dakota County. The tools require a hydrologically-conditioned digital elevation model (DEM) that was previously unavailable within the County. Dakota County Environmental Resources staff created a "base-level" hydrologically-conditioned DEM and ran a series of ArcGIS tools developed by the DNR/BWSR. The GIS tools predicted hydric soils and wetlands via the Compound Topographic Index, smoothed ditches, and created ditch plugs in the landscape to generate storage areas. The resulting areas were inventoried and prioritized based on area (acres) and volume (acre-feet). Then, a GIS dataset of known cultivated hydric soils developed by the Dakota Soil and Water Conservation District was used to narrow the inventory further. Finally, a map of restoration sites and list of property owners in 4,502 acres was developed for restoration program implementation.

Which two sections of the Minnesota Statewide Conservation and Preservation Plan are most applicable to this project?

- H1 Protect priority land habitats
- H5 Restore land, wetlands and wetland-associated watersheds

Which two other plans are addressed in this program?

- Minnesota's Wildlife Management Area Acquisition - The Next 50 Years
- Outdoor Heritage Fund: A 25 Year Framework

Which LSOHC section priorities are addressed in this program?

Metro / Urban

- Protect habitat corridors, with emphasis on the Minnesota, Mississippi, and St. Croix rivers (bluff to floodplain)

Southeast Forest

- Protect, enhance, and restore habitat for fish, game, and nongame wildlife in rivers, cold-water streams, and associated upland habitat

Does this program include leveraged funding?

Yes

Explain the leverage:

Dakota County proposes to provide up to a 29 percent cash match or \$720,000. These County funds would become part of an approved five-year County Capital Improvement Program budget. In addition, the County will also

provide all County staff time as an in-kind match, up to 17.5 percent match, including staff from Environmental Resources, Survey, GIS, County Attorney's Office, Financial Services, and Administration. The County estimates its in-kind staff contribution will equate to 1.5 FTEs each year, for five years, or an approximate value of \$420,000.

Other leveraged funds could include landowner donations of easement or fee title value, typically at least ten percent of the total easement value for acquisitions. In addition, landowner contributions are required for restoration and ongoing management of County easement property, and would range between 10 and 25 percent of estimated costs.

Per MS 97A.056, Subd. 24, Please explain whether the request is supplanting or is a substitution for any previous funding that was not from a legacy fund and was used for the same purpose.

Dakota County's request for funding is not supplanting, nor is it a substitution for any previous funding that was not from a legacy fund.

How will you sustain and/or maintain this work after the Outdoor Heritage Funds are expended?

The Dakota County Board has maintained a remarkable, 16-year commitment to land conservation, and recently established "a healthy environment and quality natural areas" as one of four priority goals. Adopting a comprehensive land conservation vision, expanding dedicated natural resource staff, reorganizing departments to effectively achieve land conservation goals, approving capital improvement program budgets, and providing an operating budget for annual monitoring, are further evidence that the County has the interest, capacity and commitment to sustain this work. The County's Natural Resource Management System Plan commits to maintaining areas after restoration and enhancement investments are made.

Approximately half the land protection/restoration work will occur on public lands and half on private lands, all designed to achieve maximum, fiscally efficient, conservation benefits. Relationship building, developing and implementing NRMPs and Management Agreements, and annual monitoring, provide opportunities to share updated natural resource information and best management practices with landowners, and achieve a higher likelihood of increased private stewardship. The Natural Resource Management System Plan, using a public/private cost-share formula, is further testament to this commitment. This comprehensive wildlife habitat and water quality approach on public and private lands provides the best opportunity to effectively protect and improve these community assets.

Actions to Maintain Project Outcomes

Year	Source of Funds	Step 1	Step 2	Step 3
2019	State, County, landowner or other project partner contribution	Restore and enhance existing and newly protected lands, and acquire easements and/or fee title	Monitor easements and restoration projects, and use adaptive management for restoration and enhancement activities	Monitor required landowner maintenance of restored areas over at least the next three years
2020	State, County, landowner or other project partner contribution	Restore and enhance existing and newly protected lands, and acquire easements	Monitor easements and restoration projects and use adaptive management	Monitor required landowner maintenance of restored areas over at

		and fee title	for future restoration and enhancement activities	least the next three years
2021	State, County, landowner or other project partner contribution	Restore and enhance existing and newly protected lands, and acquire easements and/or fee title	Monitor easements and restoration projects, and use adaptive management for restoration and enhancement activities	Monitor required landowner maintenance of restored areas over at least the next three years
2022	State, County, landowner or other project partner contribution	Restore and enhance existing and newly protected lands, and acquire easements and/or fee title	Monitor easements and restoration projects, and use adaptive management for restoration and enhancement activities	Monitor required landowner maintenance of restored areas over at least the next three years
2023	State, County, landowner or other project partner contribution	Restore and enhance existing and newly protected lands, and acquire easements or fee title	Monitor easements and restoration projects, and use adaptive management for restoration and enhancement activities	Monitor required landowner maintenance of restored areas over at least the next three years

Activity Details

Requirements

If funded, this program will meet all applicable criteria set forth in MS 97A.056?

Yes

Will county board or other local government approval be formally sought prior to acquisition, per 97A.056 subd 13(j)?**

No

Describe any measures to inform local governments of land acquisition under their jurisdiction:

The County has excellent working relationships with its' cities and townships. Coordination takes place for each project with the

respective jurisdiction. However, the County Board has historically not required respective jurisdictional approval if a private landowner desires to convey an easement to the County.

County Board approval is ultimately sought for each acquisition.

Is the land you plan to acquire (fee title) free of any other permanent protection?

Yes

Is the land you plan to acquire (easement) free of any other permanent protection?

Yes

Who will manage the easement?

Dakota County

Who will be the easement holder?

Dakota County

What is the anticipated number of easements (range is fine) you plan to accomplish with this appropriation?

5 - 10

Will restoration and enhancement work follow best management practices including MS 84.973 Pollinator Habitat Program?

Yes

Is the restoration and enhancement activity on permanently protected land per 97A.056, Subd 13(f), tribal lands, and/or public waters per MS 103G.005, Subd. 15?

Yes

Where does the activity take place?

- WMA
- SNA
- AMA
- Permanently Protected Conservation Easements
- County/Municipal
- Public Waters

Land Use

Will there be planting of any crop on OHF land purchased or restored in this program?

Yes

Explain what will be planted:

There may be situations where portions of the property may be cultivated. As part of a negotiated sale, the owner may be allowed

to continue cultivating the same land for a short, defined period of time as defined and allowed in the Natural Resource

Management Plan (NRMP). In other situations it may be advantageous to allow a final soybean crop, which can enhance the

restoration process, by reducing weeds and residue. Also, in some NRMP-approved situations, food plots for wildlife are allowed within a natural area easement.

Are any of the crop types planted GMO treated?

False

Is this land currently open for hunting and fishing?

Yes

Describe any variation from the State of Minnesota regulations:

Private lands with easements may be open for hunting and fishing at the discretion of the landowner, but are subject to local

ordinances.

Many public lands are also open for hunting and fishing, but are also subject to local ordinances.

If land is acquired in fee title, ownership would be transferred to the MN DNR and would be open for hunting. Fishing would not be included, because there is no open water located in the proposed acquisition area.

Will the land be open for hunting and fishing after completion?

Yes

Describe any variation from the State of Minnesota regulations:

Land protected through partial OH funding may be open to hunting and fishing as appropriate, based on whether or not it remains in private ownership or becomes public land. Individual landowner consent would be required on private lands. In all cases, the types of hunting (i.e., bow or firearm) and fishing will be allowed only per local ordinances.

Who will eventually own the fee title land?

- State of MN

Land acquired in fee will be designated as a:

- WMA

What is the anticipated number of closed acquisitions (range is fine) you plan to accomplish with this appropriation?

1 - 3

Will the eased land be open for public use?

Yes

Describe the expected public use:

The County has acquired some easements that are open for limited public use. In all cases, the decision to allow public use is determined by the landowner, and is often granted to responsible, conservation -minded and purposed groups and individuals.

Are there currently trails or roads on any of the proposed acquisitions?

Yes

Describe the types of trails or roads and the allowable uses:

In some cases there are existing soft-surface trails and non paved roads used for personal recreation or to access portions of the

property for various purposes.

Continued use is allowed, as defined by the easement and the NRMP, provided that such use does not compromise the conservation intent of the easement or the NRMP.

Will the trails or roads remain and uses continue to be allowed after OHF acquisition?

Yes

How will maintenance and monitoring be accomplished?

Existing soft-surface roads or trails may be retained, improved, removed or relocated. The new underlying fee owner of public land will be responsible for all maintenance and as included in a jointly developed NRMP. On easement land, the underlying fee owner is

responsible for maintenance, but any changes to the existing trails or roads are subject to review and approval by the County. Review of trails and roads are part of the County's annual monitoring process.

Will new trails or roads be developed or improved as a result of the OHF acquisition?

Yes

Describe the types of trails or roads and the allowable uses:

It is possible that some acquisition projects may result in the creation of new, soft surface trails for low-impact recreational use by landowner and/or allowed guests, and in part, to assist in access for natural resource management.

How will maintenance and monitoring be accomplished?

The landowner will be responsible for all maintenance. A jointly developed NRMP will determine any changes to trails and roads. Review of trails and roads are part of the County's annual monitoring process.

Will the acquired parcels be restored or enhanced within this appropriation?

Yes

Initial restoration activities would be planned prior to closing on an acquired easement.

Timeline

Activity Name	Estimated Completion Date
Easement or Fee Title Acquisition	June 30, 2023
Restoration	June 30, 2023

Date of Final Report Submission: 11/01/2023

Availability of Appropriation: Subd. 7. Availability of Appropriation

Money appropriated in this section may not be spent on activities unless they are directly related to and necessary for a specific appropriation and are specified in the accomplishment plan approved by the Lessard-Sams Outdoor Heritage Council. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation. Unless otherwise provided, the amounts in this section are available until June 30, 2022. For acquisition of real property, the amounts in this section are available until June 30, 2023, if a binding agreement with a landowner or purchase agreement is entered into by June 30, 2022, and closed no later than June 30, 2023. Funds for restoration or enhancement are available until June 30, 2024, or five years after acquisition, whichever is later, in order to complete initial restoration or enhancement work. If a project receives at least 15 percent of its funding from federal funds, the time of the appropriation may be extended to equal the availability of federal funding to a maximum of six years if that federal funding was confirmed and included in the original draft accomplishment plan. Funds appropriated for fee title acquisition of land may be used to restore, enhance, and provide for public use of the land acquired with the appropriation. Public-use facilities must have a minimal impact on habitat in acquired lands.

Budget

Budget reallocations up to 10% do not require an amendment to the Accomplishment Plan.

Totals

Item	Funding Request	Antic. Leverage	Leverage Source	Total
Personnel	-	-	-	-
Contracts	\$1,080,500	\$288,300	Dakota County	\$1,664,600
Fee Acquisition w/ PILT	-	-	Dakota County	\$70,000
Fee Acquisition w/o PILT	\$352,500	\$93,000	Dakota County	\$814,000
Easement Acquisition	\$2,061,500	\$548,700	Dakota County	\$1,847,400
Easement Stewardship	-	-	-	-
Travel	-	-	-	-
Professional Services	\$6,500	-	-	\$6,500
Direct Support Services	-	-	-	-
DNR Land Acquisition Costs	\$15,000	-	-	\$15,000
Capital Equipment	-	-	-	-
Other Equipment/Tools	-	-	-	-
Supplies/Materials	-	-	-	-
DNR IDP	-	-	-	-
Grand Total	\$3,516,000	\$930,000	-	\$4,417,500

Amount of Request: \$3,516,000

Amount of Leverage: \$930,000

Leverage as a percent of the Request: 26.45%

DSS + Personnel: -

As a % of the total request: 0.0%

Easement Stewardship: -

As a % of the Easement Acquisition: -

How will this program accommodate the reduced appropriation recommendation from the original proposed requested amount?

Dakota County scaled back planned acquisitions and restoration activities to fit within the reduced, proposed funding amount. Dakota County also scaled back its proposed cash match and the amount of in-kind staff time match to reflect the lesser amount of work that would be associated with the reduced grant funding.

Describe and explain leverage source and confirmation of funds:

Dakota County is the leverage source. The County funding is included in current, and will be included in future, County Board-approved, annual budgets. The County also anticipates additional leverage through landowner easement value donation.

Contracts

What is included in the contracts line?

All expenses associated with restoration activities.

Federal Funds

Do you anticipate federal funds as a match for this program?

No

Output Tables**Acres by Resource Type (Table 1)**

Type	Wetland	Prairie	Forest	Habitat	Total Acres
Restore	25	0	122	155	302
Protect in Fee with State PILT Liability	0	0	0	0	0
Protect in Fee w/o State PILT Liability	0	0	0	38	38
Protect in Easement	0	0	0	61	61
Enhance	0	0	0	0	0
Total	25	0	122	254	401

Total Requested Funding by Resource Type (Table 2)

Type	Wetland	Prairie	Forest	Habitat	Total Funding
Restore	\$199,900	-	\$390,600	\$490,000	\$1,080,500
Protect in Fee with State PILT Liability	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	\$355,500	\$355,500
Protect in Easement	-	-	\$2,054,200	\$25,800	\$2,080,000
Enhance	-	-	-	-	-
Total	\$199,900	-	\$2,444,800	\$871,300	\$3,516,000

Acres within each Ecological Section (Table 3)

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest	Total Acres
Restore	302	0	0	0	0	302
Protect in Fee with State PILT Liability	0	0	0	0	0	0
Protect in Fee w/o State PILT Liability	38	0	0	0	0	38
Protect in Easement	56	0	5	0	0	61
Enhance	0	0	0	0	0	0
Total	396	0	5	0	0	401

Total Requested Funding within each Ecological Section (Table 4)

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest	Total Funding
Restore	\$1,080,500	-	-	-	-	\$1,080,500
Protect in Fee with State PILT Liability	-	-	-	-	-	-
Protect in Fee w/o State PILT Liability	\$355,500	-	-	-	-	\$355,500
Protect in Easement	\$2,054,200	-	\$25,800	-	-	\$2,080,000
Enhance	-	-	-	-	-	-
Total	\$3,490,200	-	\$25,800	-	-	\$3,516,000

Average Cost per Acre by Resource Type (Table 5)

Type	Wetland	Prairie	Forest	Habitat
Restore	\$7,996	-	\$3,201	\$3,161
Protect in Fee with State PILT Liability	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	\$9,355
Protect in Easement	-	-	-	\$422
Enhance	-	-	-	-

Average Cost per Acre by Ecological Section (Table 6)

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest
Restore	\$3,577	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-

Protect in Fee w/o State PILT Liability	\$9,355	-	-	-	-
Protect in Easement	\$36,682	-	\$5,160	-	-
Enhance	-	-	-	-	-

Target Lake/Stream/River Feet or Miles

3 miles

Outcomes

Programs in metropolitan urbanizing region:

- A network of natural land and riparian habitats will connect corridors for wildlife and species in greatest conservation need ~ *The County developed an integrated, long-term habitat protection system involving public and private lands to provide multiple public benefits. Enlarging and improving existing protected habitat complexes and providing key connections will continue to be a focus, with protected acres and shoreline as success indicators. The County will prioritize land protection and improvement efforts, in part, based on wildlife species by devoting staff time and resources to create baseline wildlife and habitat quality information and monitoring indicator and other species seasonally/annually to determine if our efforts are producing the desired results over time and to adapt or re-prioritize as appropriate.*

Programs in southeast forest region:

- Healthier populations of endangered, threatened, and special concern species as well as more common species ~ *A small portion of the County is included in this region. Enlarging and improving existing protected habitat complexes and providing key connections will continue to be a focus, with protected acres and shoreline as success indicators. The County will prioritize its land protection and improvement efforts, in part, based on priority wildlife species. It will devote staff time and resources to create baseline wildlife and habitat quality information and monitoring indicator and other species seasonally/annually to determine if our efforts are producing the desired results over time and to adapt or re-prioritize as appropriate.*

Parcels

For restoration and enhancement programs ONLY: Managers may add, delete, and substitute projects on this parcel list based upon need, readiness, cost, opportunity, and/or urgency so long as the substitute parcel/project forwards the constitutional objectives of this program in the Project Scope table of this accomplishment plan. The final accomplishment plan report will include the final parcel list.

Parcel Information

Sign-up Criteria?

[Yes](#)

Explain the process used to identify, prioritize, and select the parcels on your list:

Restore / Enhance Parcels

Name	County	TRDS	Acres	Est Cost	Existing Protection
McMenomy	Dakota	11519216	56	\$89,790	No
Weiss	Dakota	11517221	3	\$10,300	Yes
Taylor, K&K	Dakota	11219214	4	\$40,000	Yes
Grannis	Dakota	02722220	30	\$90,500	Yes
Minnesota River Valley Wetland and Floodplain	Dakota	02723218	10	\$150,000	Yes
Jennings	Dakota	11320233	15	\$49,910	Yes
Lake Byllesby	Dakota	11218208	151	\$450,000	Yes
Lake Byllesby	Dakota	11218211	33	\$200,000	Yes

Protect Parcels

Name	County	TRDS	Acres	Est Cost	Existing Protection
McMenomy	Dakota	11519216	56	\$2,054,200	No
Neumann	Dakota	11317231	5	\$25,800	No
Adelmann	Dakota	11420236	38	\$355,500	No

Parcel Map

